

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

AKINTOYE LAOYE, et al.,

Plaintiffs,

v.

UNITED STATES OF AMERICA,

Defendant.

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Civil Action No. 14-5195 (MAS) (DEA)

**MEMORANDUM ORDER ON
APPLICATION TO PROCEED
WITHOUT PREPAYMENT OF FEES**

This matter comes before the Court upon Plaintiffs Akintoye Laoye and Amanda C. Laoye's ("Plaintiffs") amended complaint and joint application to proceed *in forma pauperis* ("IFP") filed July 31, 2017.¹ (ECF No. 23.) As background, the Court in its June 8, 2017 Order, required Plaintiffs to submit a joint amended complaint and a joint updated IFP application by June 30, 2017. (ECF No. 17.) On June 26, 2017, Plaintiffs requested an extension of time to file a joint amended complaint. (ECF No. 19.) The Court granted the Plaintiffs' request and extended the deadline to file both documents to July 30, 2017. (ECF No. 20.)

Plaintiffs' IFP application contains various discrepancies. As an initial matter, the Court requested that Plaintiffs file a joint IFP application. (ECF No. 17.) Here, only Mr. Laoye completed and signed the IFP application, but each Plaintiff provided optional additional statements. (ECF. No. 23.) Additionally, Mr. Laoye lists zero dollars in average monthly income earned by both him and his spouse during the past twelve months. (*Id.* at 1.) Yet, both Plaintiffs

¹ Although Plaintiffs submitted their joint amended complaint and IFP application one day past the deadline—and after having already been granted additional time to amend—the Court will nevertheless review their IFP application.

in their statements note that Mrs. Laoye is employed at a car dealership and earns commission. (Statement of Amanda C. Laoye 1, ECF No. 23-1; Statement of Akintoye Laoye 2, ECF No. 23-2.)² Additionally, Mrs. Laoye stated that she pays for her husband's prescription medications, his weekly transportation to the U.S. Immigration Customs and Enforcement office in Newark, New Jersey, and their family's basic expenses. (Statement of Amanda C. Laoye 1.) If Plaintiffs' monthly expenses exceed their monthly income and Mr. Laoye listed zero dollars of income on the IFP application, then this amount is incorrect. An applicant must provide, among other things, his and his spouse's average income for the past twelve months and certain expenses requested by the IFP application. If an applicant's expenses exceed his income, then the Court will consider this shortfall in its review.

Upon review, the IFP application contains factual errors that call into question its accuracy and, therefore, the Court cannot determine whether Plaintiffs are eligible to proceed *in forma pauperis*. Accordingly, for the reasons stated in this Memorandum Order, and for other good cause shown,

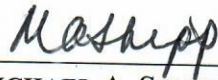
IT IS on this 5th day of October 2017, **ORDERED** that:

1. Plaintiffs must file a revised, accurate joint *in forma pauperis* application by **October 20, 2017** that: (a) lists the names of both Mr. and Mrs. Laoye as Plaintiffs; (b) includes the signatures of both Plaintiffs on the Affidavit in Support of the Application; and (c) for the purposes of completion of the application only, considers Mr. Laoye to be the primary respondent (*i.e.*, information relating to Mr. Laoye is to be provided in answers to questions and columns addressed to "you"),

² Additionally, Mr. Laoye failed to disclose his wife's employment in his answer to question three of the IFP application. (See IFP Appl. 2.)

and considers Mrs. Laoye to be the spouse (*i.e.*, information relating to Mrs. Laoye is to be provided in answers to questions and columns addressed to the “spouse”).

2. If, upon receipt and review of Plaintiffs’ timely updated joint *in forma pauperis* application, the Court confirms Plaintiffs’ *in forma pauperis* status, then it shall screen Plaintiffs’ Joint Amended Complaint pursuant to 28 U.S.C. § 1915(e)(2)(B).



MICHAEL A. SHIPP
UNITED STATES DISTRICT JUDGE